

IN RE: PETITION FOR ZONING VARIANCE  
W/S McCormick Avenue, 860 ft.  
N of C/I Cynthia Terrace  
5610 McCormick Avenue  
14th Election District  
7th Councilmanic District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-429-A

Joseph Ruzza, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance from Section 427.A.4 B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 5 ft. and 6 ft. fence within 0 ft. of the front yard property line in lieu of the required 20 ft. and 30 feet, respectively as more particularly described on Petitioner's Exhibit No. 1.

The Petitioners, by Joseph Ruzza, appeared, testified and was assisted with their presentation by Ann Taber, the Petitioners' daughter. There were no Protestants.

Testimony indicated that the Petitioner's home is situated on a pan-handle driveway which places his rear yard abutting his neighbor's front yard, as indicated on Petitioner's Exhibit No. 1.

The Petitioner testified that he acquired a permit to erect the subject fence and was later advised that, upon completion of the fence, he would need a variance from the aforementioned Section of the B.C.Z.R. The Petitioner testified that he would suffer an undue hardship and practical difficulty if he was required to remove the fence. The Petitioner submitted approximately 20 signed statements from their surrounding neighbors, including the neighbors immediately affected by the fence, indicating their support of the requested relief.

Based upon the testimony and evidence presented at the hearing, all

of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of July, 1991 that the Petition for a Zoning Variance from Section 427.A.4 & B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 5 ft. and 6 ft. fence within 0 ft. of the front yard property line in lieu of the required 20 ft. and 30 feet, respectively, in accordance with the Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH/mm  
encl.  
cc: Peoples Counsel

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

July 18, 1991

Mr. and Mrs. Joseph Ruzza  
5610 McCormick Avenue  
Baltimore, Maryland 21206

RE: Petition for Zoning Variance  
Case No. 91-429-A

Dear Mr. and Mrs. Ruzza:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH/mm  
encl.  
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-429-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 427.A.4 & B. to allow a 5 ft. and 6 ft. fence within 0 ft. of the front yard property line in lieu of the required 20' and 30' respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. This is a residential community, and the construction of this type of fence will not allow people to look into my yard, and will allow my privacy, due to the fact that the houses are so close together.
2. Looking around my development, I have observed numerous residential fences of the development and I feel that they add to the looks of the development and not take away from it.
3. My home is situated at the end of the new housing development, and this fence will not present a problem to traffic or pedestrians. (HARDHIP)- next page.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property, which is the subject of this Petition.

Contract Purchaser: MR. JOSEPH RUZZA  
(Type or Print Name)  
Signature: [Signature]  
Address: MR. BRIGIDA RUZZA  
(Type or Print Name)  
Signature: [Signature]  
City and State: [Blank]  
Attorney for Petitioner: Daughter Anna Taber 485-8286  
(Type or Print Name) 5610 McCormick Ave. 866-5132  
Address Phone No.  
Signature: [Blank]  
City and State: Baltimore, Md. 21206  
Address: [Blank]  
City and State: [Blank]  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Anna Taber  
Name: Anna Taber  
Address: 4522 Hamlet Ave. 485-8286  
City and State: Baltimore, Md. 21206  
Phone No.: [Blank]

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock  
of \_\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock

ESTIMATED LENGTH OF HEARING: \_\_\_\_\_  
REVIEWED BY: CAM [Signature] (over) Violated 91-258-CV 416  
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING  
Date: 7/19/91  
By: [Signature]

ORDER RECEIVED FOR FILING  
Date: 7/19/91  
By: [Signature]

-2-

HARDSHIP

1. I am 64 years of age, and my wife is of 70 years of age, we need this type of fence for security, privacy and for our dog to roam free, and not be able to get out.
2. The community and myself are having numerous problems with the new neighbors who moved in directly behind my home. My wife and I try to get along with everyone and we keep a low profile. But our surrounding neighbors do not get along with our new neighbor. My wife and I don't want to get involved in their feudings. I have overlooked a lot of what the new neighbor has done to my property, so we can at least survive with each other, but I feel that at this point in my life I need not have to put up with what can be avoided. The new neighbors allow their dog to run loose and defecate in my yard and in my wife's vegetable garden, their small children run about our yard, and we are in fear one or both will get hurt on our property. They blow their leaves and trash into our yard and surrounding yards, and then I have to re-clean my property again. My wife and I are getting old to have to do double work and worry about their children and dog getting hurt on our property and their dog going to the bathroom on our property.

3. I do not want any problems or confrontations with this family and their problems with the other neighbors. A substantial amount of the neighbors in the community are having problems with this family and there have been numerous complaints filed with the Baltimore County Police Department such as:  
1. Dog running loose.  
2. Loud music till all hours of the night.  
3. House alarm sounding off all hours of the day and night.  
4. Firing off guns.  
5. Throwing things in other neighbors yards.  
6. Foul language exchanged and threats.  
7. Cars being parked on peoples lawns, and much more.

My wife and I are getting old to worry about what is going to happen next. If I am allowed to have this fence, it will allow my privacy, and safety. My wife is sickly and is home alone much of the day and night, and this fence will allow her to walk about the yard with a certain degree of security, and protection, and also privacy.

4. I feel this fence will add to the community, but give my wife and I security, privacy and peace of mind in our declining years. And as I also believe, it will deter any further problems with the neighbors.

ITEM # 416

DESCRIPTION

91-429-A

Beginning on the west side of McCormick Avenue (60' R/W) 860' North of the centerline of Cynthia Terrace. Being Lot #1, Section 1, McCormick Woods recorded in Baltimore County Plat Book 47, Folio 105. Containing 7,488 square feet. Also known as 5610 McCormick Avenue and located in the 14th Election District, 7th Councilmanic District.

PETITIONERS  
EXHIBIT 1  
91-429A

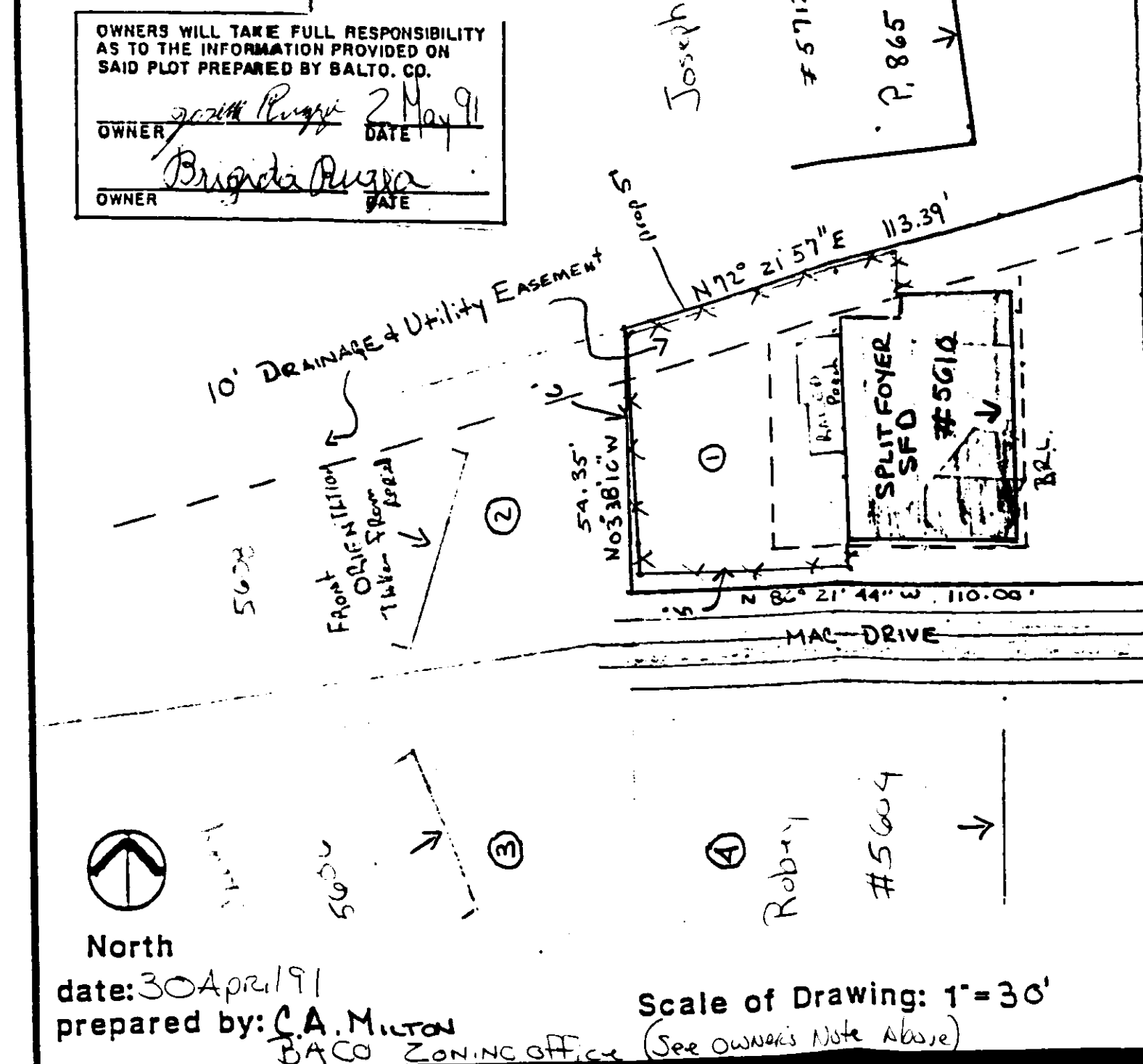
Plat to accompany Petition for Zoning Variance ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 5610 McCormick Ave

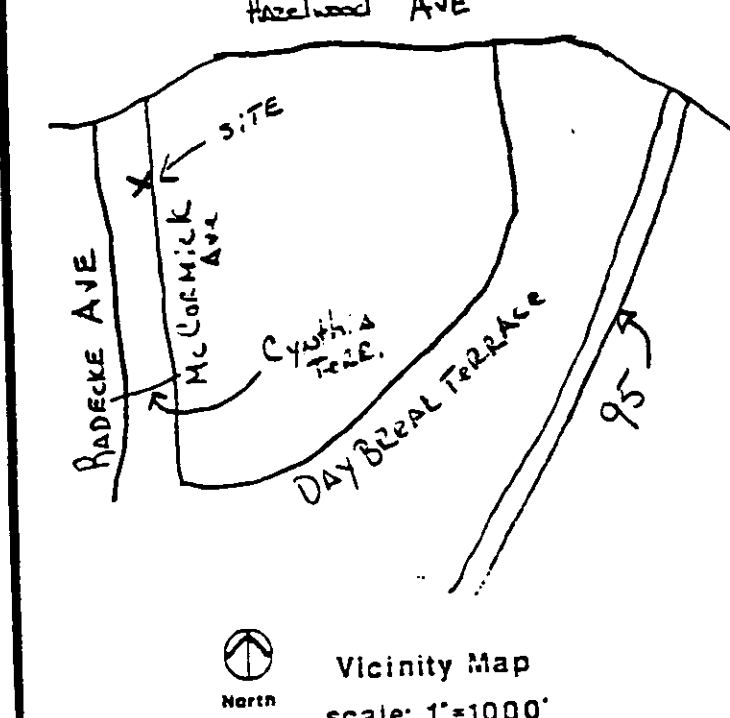
Subdivision name: McCormick Woods  
plat book #47 folio #105 lot #1 section #1

OWNER: JOSEPH & BRIGIDA RUZZA

OWNER: JOSEPH & BRIGIDA RUZZA  
DATE: 2 May 91  
OWNER: Brigida Ruzza  
DATE: [Blank]



see pages 5 & 6 of the CHECKLIST for additional required information



LOCATION INFORMATION

Councilmanic District: 7  
Election District: 14  
1"=200' scale map: N.E. 4E  
Zoning: DR 5.5  
Lot size: .17 acreage  
7,488 square feet  
SEWER: ☒  
WATER: ☒  
Chesapeake Bay Critical Area: ☒  
Prior Zoning Hearings: [Blank]

Zoning Office USE ONLY!

reviewed by: CAM  
ITEM #: 416  
CASE#: [Blank]

91-429-A

416

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

DATE: July 2, 1991

Mr. & Mrs. Joseph Ruzza  
5610 McCormick Avenue  
Baltimore, Maryland 21206

Case Number: 91-429-A  
W/S McCormick Avenue, 860' W of c/l Cynthia Terrace  
5610 McCormick Avenue  
14th Election District - 7th Councilmanic  
Petitioner(s): Joseph Ruzza, et ux  
HEARING: TUESDAY, JULY 2, 1991

Dear Petitioner(s):

Please be advised that \$ 71.34 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: Anna Taber

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

May 20, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-429-A  
W/S McCormick Avenue, 860' W of c/l Cynthia Terrace  
5610 McCormick Avenue  
14th Election District - 7th Councilmanic  
Petitioner(s): Joseph Ruzza, et ux  
HEARING: TUESDAY, JULY 2, 1991

Variance to allow a 5 ft. and 6 ft. fence within zero ft. of the front yard property line in lieu of the required 20 ft. and 30 ft. respectively.

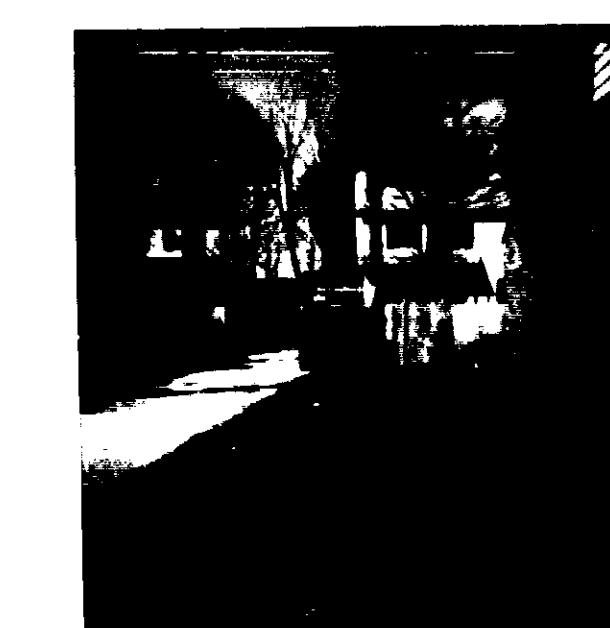
*J. Robert Haines*

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Mr. & Mrs. Ruzza  
Anna Taber

CASE NUMBER

91-429-A



PETITIONER'S EXHIBIT # 2

### CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 30, 1991.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

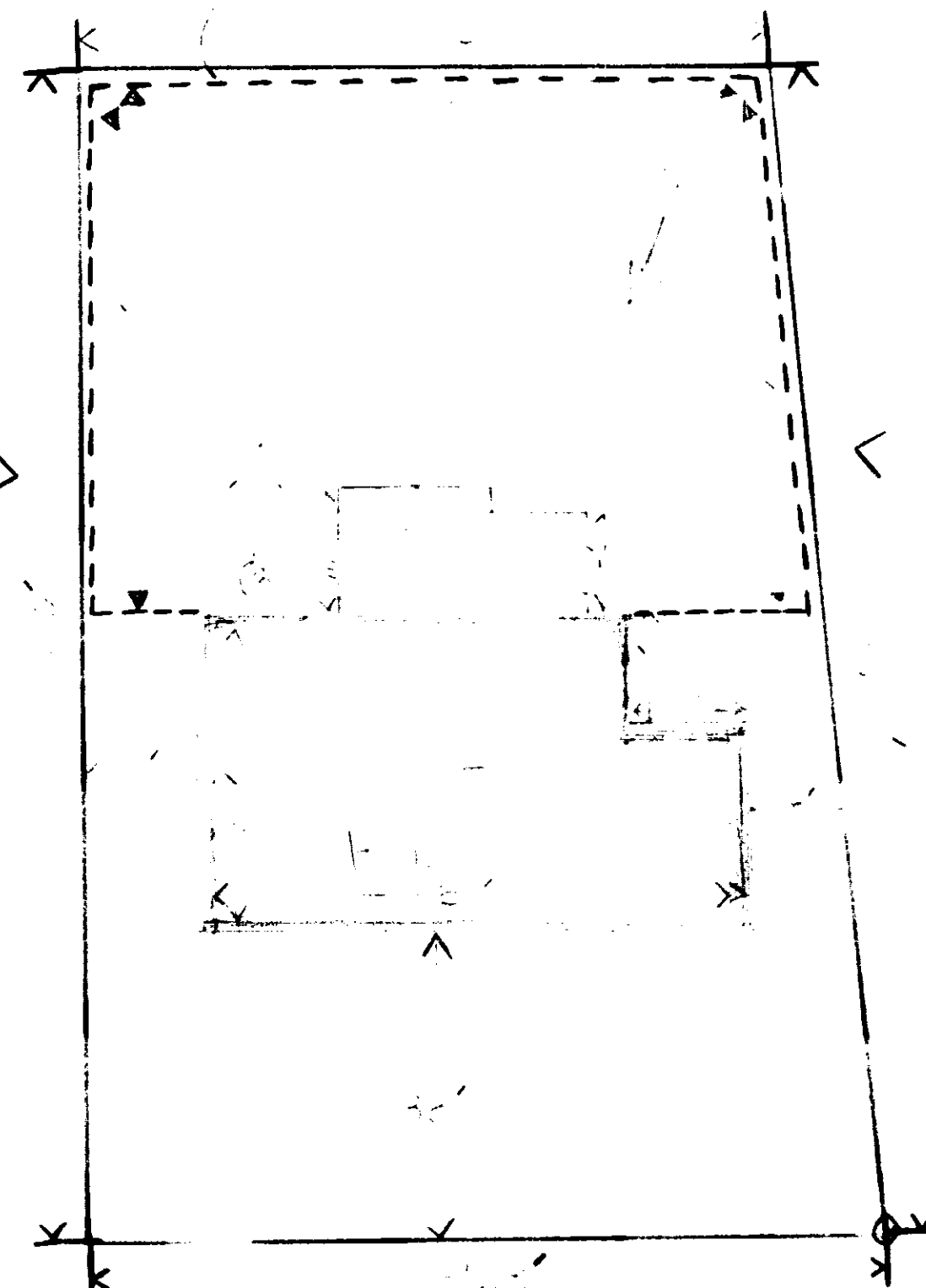
Publisher

342 - \$66.84

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 14th Date of Posting: 6/1/91  
Posted for: Variance  
Petitioner: Joseph Ruzza, et ux  
Location of property: W/S McCormick Ave., 860' W of Cynthia Terrace  
5610 McCormick Ave.  
Location of Sign: Property of Petitioner  
Remarks: on property of Petitioner  
Posted by: M. Haines Date of return: 6/1/91  
Number of Signs: 1



91-429-A

416

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Amount: R 001 6150  
Number

91-429

Please Make Checks Payable To: Baltimore County

Cashier Validation

416

May 1, 1991

Baltimore County  
Zoning Commissioner

91-429-A

TO WHOM IT MAY CONCERN:

Reference is made to Mr. Joseph Ruzza's back yard fence. The following neighbors of Mr. Ruzza wish to support him in his efforts to keep his back yard fence. 5620 McCormick - Mr. & Mrs. Sam Johnson and Mrs. Dorothy Parker  
5624 McCormick - Mr. & Mrs. Richard Robey  
5626 McCormick - Mrs. Patricia Stanley and Mrs. Margaret Miller.

Thank you,

*Mrs. Robert Ruzza*  
Mr. & Mrs. Richard Robey  
5624 McCormick Ave.  
Baltimore, Md. 21206  
Phone: 944-5119

To Baltimore County  
Zoning Commissioner  
Re: Mr. Joseph Ruzza's  
Backyard Fence

91-429-A

To Whom It May Concern

I am writing this letter on behalf of my father, Mr. Joseph A. Moose (whose signature is below), and myself Theresa L. Tudor. We reside in the home on the left of Mr. Ruzza's.

It has come to our attention that Mr. Ruzza is having some difficulty concerning his fence surrounding his backyard. As far as we are concerned we find no fault with his fence; on the contrary, we have been pleased with the consideration he has shown. Mr. Ruzza in our opinion has shown good taste in the design and the construction of the fence.

Sincerely,  
*Theresa L. Tudor*  
THERESA L. TUDOR

JOSEPH A. MOOSE  
5705 MCCORMICK AVE.  
BALTIMORE, MD 21206  
366 3245 Joseph A. Moose



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

June 4, 1991

Mr. & Mrs. Joseph Ruzza  
5610 McCormick Avenue  
Baltimore, MD 21206

RE: Item No. 416, Case No. 91-429-A  
Petitioner: Joseph Ruzza  
Petition for Zoning Variance

Dear Mr. & Mrs. Ruzza:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Anna Taber  
4522 Hamilton Avenue  
Baltimore, MD 21206

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
15th day of May, 1991.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Joe Ruzza, et ux  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: May 10, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Frank A. Cirincione, Item No. 385  
Stanley Z. Steinberg, Item No. 392  
John D. Ferencik, Item No. 396  
Andrew F. David, Item No. 399  
Richard J. Romano, Item No. 400  
White Marsh Joint Venture, Item No. 401  
Francis T. Leyden, Item No. 402  
Charles A. Romano, Item No. 404  
Dale J. Lohman, Item No. 405  
T & G Partnership, Item No. 407  
Westview Mall Association, Item No. 408  
George Bromwell, Item No. 409  
Hawley Rodgers, Item No. 412  
Joseph Ruzza, Item No. 416  
Ronald L. Morman, Item No. 418  
Victor Khouzami, Item No. 422

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARIEDIT.EMS/ZAC1

received  
5/22/91

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: May 29, 1991

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 14, 1991

This office has no comments for items number 413, 414, 415, 416, 417, 418, 419, 420, 421, 422 and 423.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer 11

RJF/lvd

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 15, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting  
for May 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 413, 418, 418, 420, 422 and 423.

For Item 417, the previous County Review Group Meeting comments are still applicable. The panhandle to Lot 3 should be 20 feet between Lots 1 and 2.

For Item 419, the previous County Review Group Meeting comments are still applicable.

For Item 414, a 10-foot drainage and utility easement exists along the north property line, as shown on record plat 40/122. No permanent structures are allowed within County easements.

For Item 415, a County Review Group Meeting is required.

For Item 421, this site must be submitted through the minor subdivision process for review and comments.

*Dennis A. Kennedy*  
Dennis A. Kennedy, P.E., Acting Chief,  
Developers Engineering Division

DAK:s

Baltimore County Government  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(410) 887-4500

AUGUST 6, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOSEPH RUZZA

Location: #5610 MCCORMICK AVENUE

Item No.: 416 Zoning Agenda: MAY 14, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John Kelly* 8-7-91 Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/FEK

June 5, 1991

Baltimore Zoning Commission

To Whom It May Concern;

We the undersigned, in accordance with your ruling, are taking this time to inform you of our opinion of Mr. Joseph Ruzzas' fence.

We find no fault in either the construction, or the appearance of the fence. On the contrary, the undersigned find that it adds to the well kept appearance of his property.

If there are any additional comments, or information needed please feel free to contact one, or all of us.

Sincerely,

*Paul E. Storck*  
*Paul E. Storck*  
*Paul E. Storck*

June 5, 1991

Baltimore Zoning Commission

To Whom It May Concern;

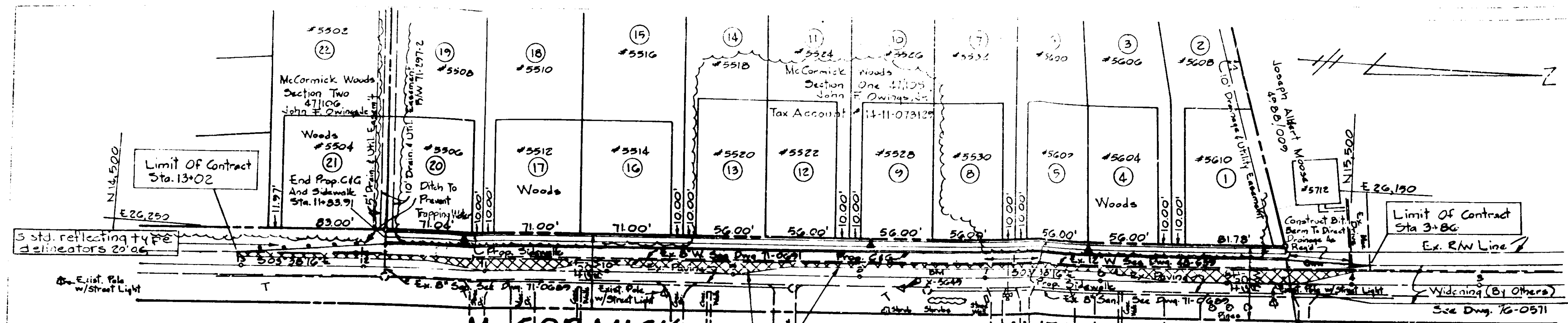
We the undersigned, in accordance with your ruling, are taking this time to inform you of our opinion of Mr. Joseph Ruzzas' fence.

We find no fault in either the construction, or the appearance of the fence. On the contrary, the undersigned find that it adds to the well kept appearance of his property.

If there are any additional comments, or information needed please feel free to contact one, or all of us.

Sincerely,

NAME PAUL STORCK  
*Paul E. Storck*  
ADDRESS 5711 MCCORMICK AVE

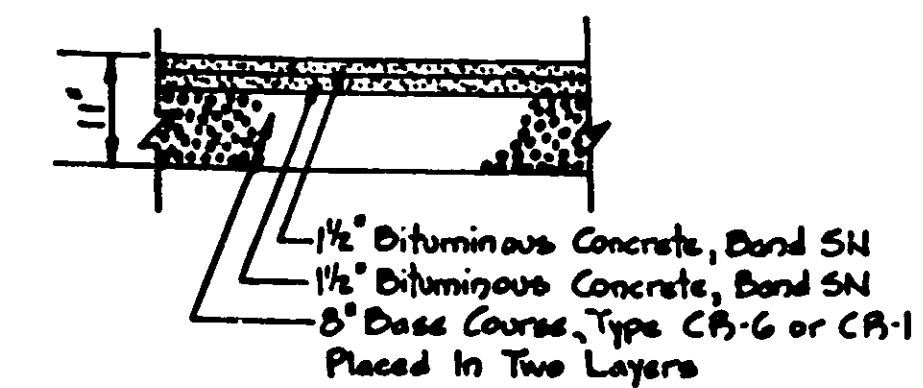


NOTES:  
 1) Contractor To Verify Existing Elevations To His Own Satisfaction Prior To Commencing Work.  
 2) All Construction Will Be Accomplished In Accordance With Baltimore County Standard Details Dated 1976, As Amended.  
 3) All Work Under This Contract Shall Be Performed By The Contractor In Accordance With The Baltimore County Soil Conservation District Permit No. 100-002-01.

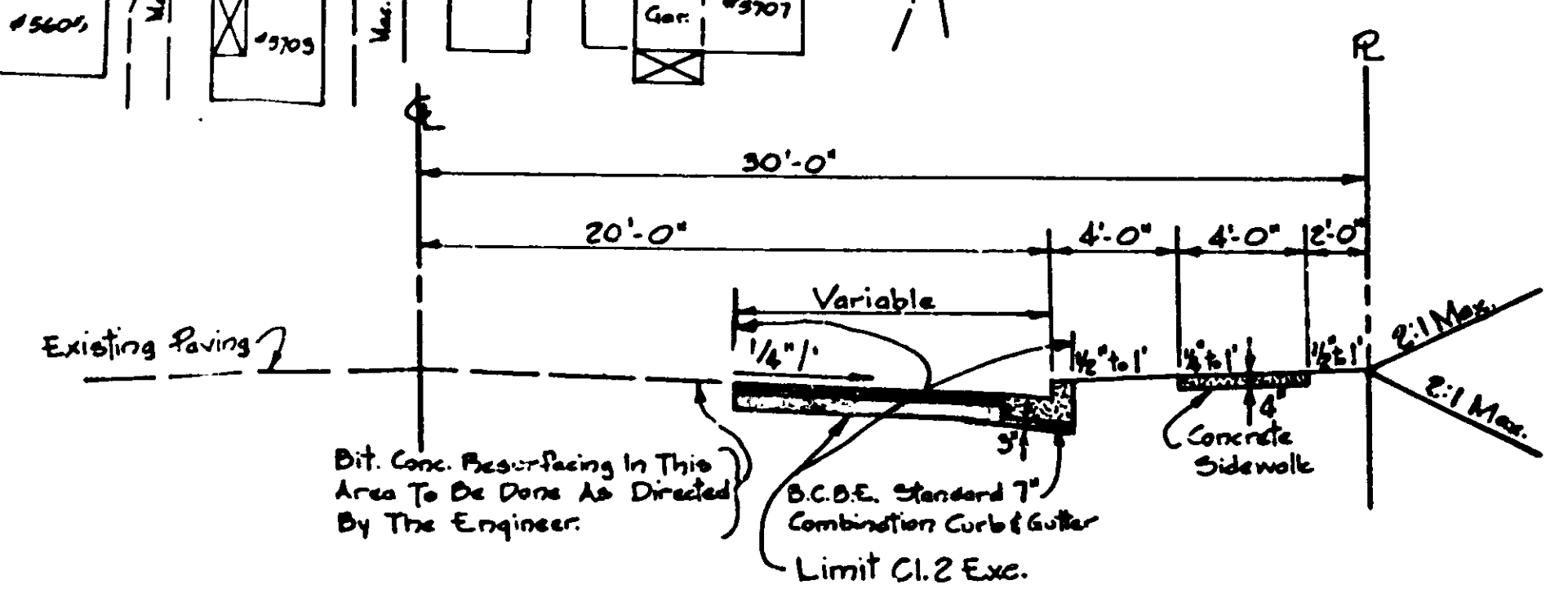
**MCCORMICK AVENUE**

NOTE:  
 Resurfacing As Directed By The Engineer In The Field

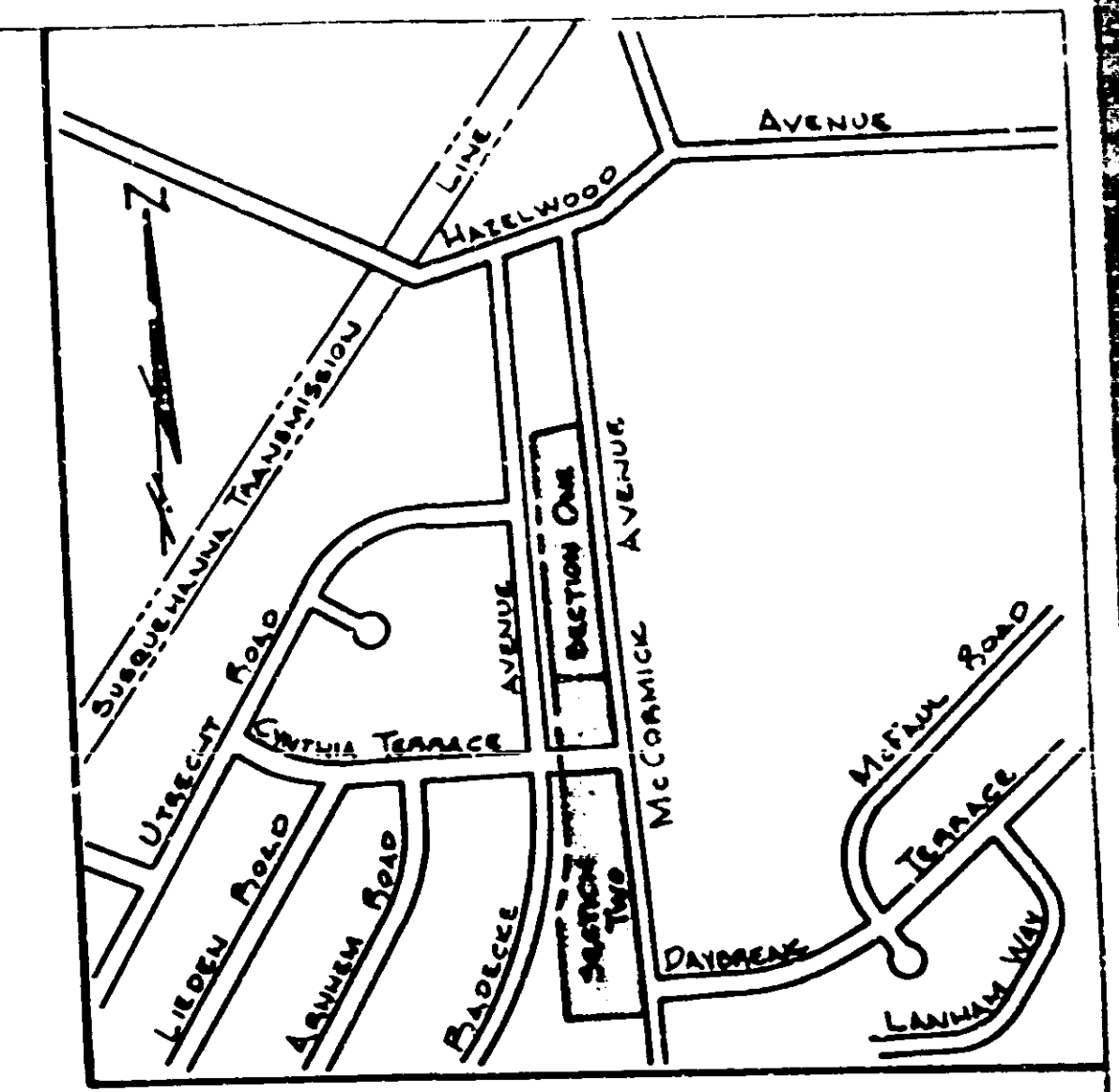
**PLAN**  
 SCALE: 1"=50'



**PAVING DETAIL**  
 NO SCALE



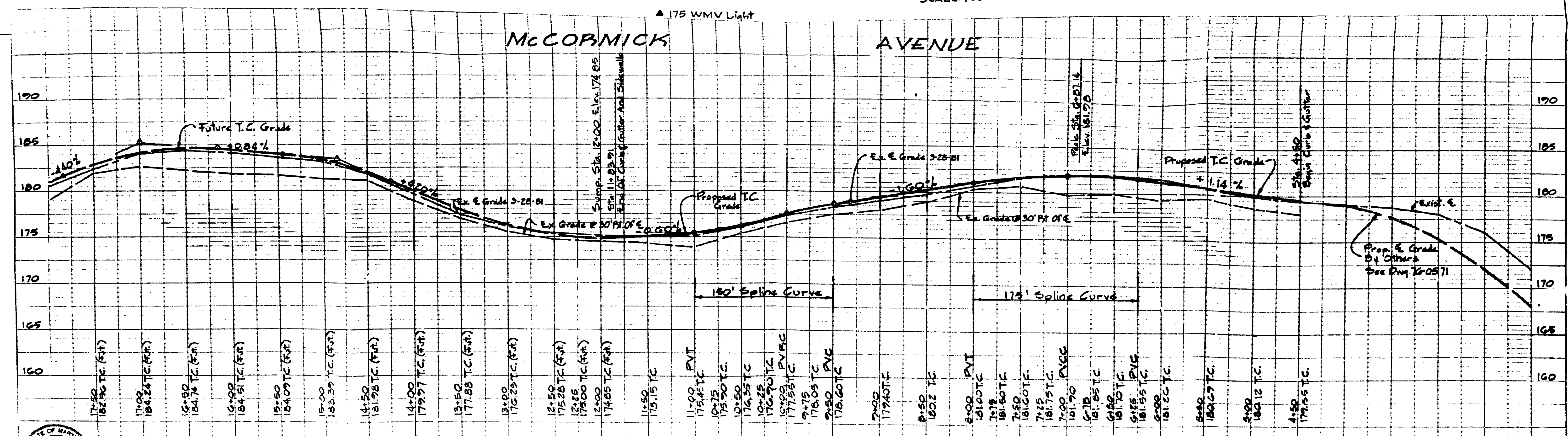
**TYPICAL SECTION**  
 SCALE: 1"=5'



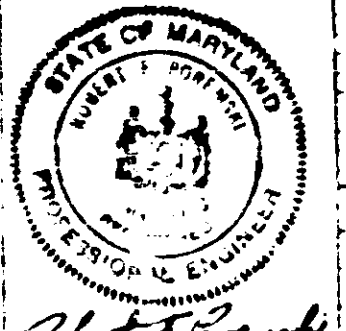
**VICINITY MAP**  
 SCALE: 1"=300'

**BENCHMARK X-5649 ELEV. 180.92**  
 Galvanized Spike In Macadam, East Side Of McCormick Avenue, Opposite Lot 7.

**SPECIAL NOTE:**  
 The Contractor Shall Maintain Repair And Or Replace Any Existing Sediment Control Devices Encountered And Disturbed During The Course Of Construction Under This Contract. All Such Disturbed Devices Shall Be Repaired Or Replaced Before Leaving The Work Site At The End Of Each Working Day. The Cost Of Performing All Such Work, Including Materials Will Be Paid By Lump Sum Bid As Maintenance And Repair Of Sediment Control Devices.



**PROFILES**  
 SCALE: 1"=50' H.  
 1"=5' V.



APP DEVELOPMENT ENGINEERS  
 APP *Robert F. Parnell*  
 APP 5/20/81 0710

148004  
 5-20-81 ASE  
 6-11-81

*Handwritten signatures and initials*

J-NE

1"=50'  
 1"=5'

**MCCORMICK AVENUE**  
 From East 200' North of Robert Terrace, North 1/4 Sec. 10, T. 10 N., R. 10 E., C. 10

CONTR. #01-221 R50

Project #0041  
 5-1-4349  
 01-0179



